

Appendix – Summary of Representations and Officer Recommendations

The consultation period ran from 18 December 2017 to 9 February 2018. 12 duly made representations were received (note that the representations from the Council's Environmental Protection and Licensing Departments have been sub divided for ease of reference). Further proposed changes, in light of emerging information, are also set out at the end of the report.

1 Mr C Jones

Summary: The respondent supports the proposed Local Development Order (LDO).

Response: Support welcomed.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment.

2 Mrs Veronica Haines

Summary: The respondent is generally supportive of the proposed LDO, stating that anything that "*cuts red tape*" is welcomed. However the respondent states that the monitoring indicators are not ambitious enough and these should be exceeded in any case (with or without the LDO). The respondent would also like the 3 years lifetime extended. The schedule of permitted uses is supported, however it is stated that it is important that investors/shops/residents are firstly encouraged in making the offer attractive. It is stated that the LDO Area should include Murray Street and more buildings in Church Street.

In terms of wider comments, the respondent states that the LDO needs to be in conjunction with measures to encourage people to visit the centre to use these premises, mainly by scrapping parking charges and improving public transport. It is also stated that there is a need for evening buses bringing people in to enjoy the entertainment facilities and late shopping evenings. Furthermore, the respondent outlines concerns as to cleanliness and states that Llanelli currently has a bad reputation for litter and that it is unpleasant to walk into and through the centre when there is so much litter. It is stated that the place looks rundown and uncared for which puts off potential investors, whilst there is a need for more green areas (flower beds, trees) to make it a pleasant place to be.

Response: Support welcomed – the representation is largely supportive of the proposed LDO as drafted. In relation to comments on the LDO's monitoring indicators, its area and 3 year lifetime, it should be noted that the LDO will be subject to ongoing review and as such there is scope for the Council to intervene if required (including the lifetime). It should be noted that the Town Centre Task Force provides the overarching mechanism for framing the wider package of support for the Town Centre as well as exploring those wider considerations such as parking charges, public transport and cleanliness which are not matters for the LDO. The Task Force also provides an opportunity to integrate the LDO with those wider Council programmes such as grants or loans.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment. Feedback will be provided to the Town Centre Task Force in relation to wider considerations.

3 Carmarthenshire County Council – Building Control

Summary: The respondent agrees with the 2 stage process for the implementation of the LDO in that a change of use cannot commence until Building Regulations are content and a buildings regulations application (where required) has been submitted and approved. The respondent also requests that the following wording be included in Condition 10 *"The contractor/developer will need to ensure that Local Authority Building Control (LABC) approval is sought prior to any works commencing on site" Contact Tel: 01267 246044 email Building.control@carmarthenshire.gov.uk"*

Response: These comments reflect the 2 stage process (Certificate of Conformity and Commencement Notice Approval). A change of use cannot commence until a Commencement Notice Approval is released and to attain such an approval a developer will need to satisfy any requirements as set out in those regulatory regimes that are outside of the planning system eg building regulations. The clarity suggested by the additional wording provided by the respondent is welcomed in this regard.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: Include the wording as submitted by the respondent in condition 10. No change to supporting evidence or Equalities Impact Assessment. Reference is also made to 4 below.

4 Mid and West Wales Fire and Rescue Service

Summary: The respondent supports the proposed LDO and is reassured that no relevant Building Regulations works will be permitted to be undertaken without following the current Building Regulations consultation process. Mid and West Wales Fire and Rescue Service wish to ensure that the Service is notified of all proposals which would be of interest under the LDO.

Response: Support welcomed. These comments reflect that the LDO is subject to a 2 stage process (Certificate of Conformity and Commencement Notice Approval). A change of use cannot commence until a Commencement Notice Approval is released and to attain such an approval a developer will need to satisfy any requirements as set out in those regulatory regimes that are outside of the planning system eg building regulations. Building regulations has its own consultation process of which Mid and West Wales Fire and Rescue Service is a part – therefore they will not see a change in this regard.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment. Reference is also made to 3 above.

5 Mrs Amanda Davies

Summary: The respondent is supportive of the proposed LDO. It is stated that those areas that are turned into housing should be suitably “*allocated*” – for example there are plenty of older people who are living in poverty and this group would also benefit in living closely to other same aged people to address loneliness etc. Concerns are expressed in relation to potential negatives with anti-social behaviour etc if they are “*allocated*” to the younger generation. The respondent states that the current allocation in 10 - 12 Stepney Street has been a success and needs to be replicated.

Response: Support welcomed. In relation to those comments on the allocation of homes (whether they are within our outside Council ownership), it should be noted that this is not a matter for the LDO – albeit reference is made to condition 11 (Lettings Policy). In relation to Council owned property, it should be noted that the Local Housing Authority is represented on the Town Centre Task Force.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment. Feedback will be provided to the Town Centre Task Force in relation to wider considerations.

6 Miss Rhyanne O'Hara

Summary: Whilst supporting facets of the proposed LDO (including its lifetime and supporting notes), the respondent also objects to and questions aspects in relation to the justification for its introduction, monitoring indicators and permitted uses. The respondent states that the problems in the town centre are attitudinal rather than the buildings themselves. It is stated that the solution should not solely involve spending money on the town and requires the creation of sustainable work opportunities. The respondent states that it is important that buildings are affordable for the people of Llanelli to rent out and live in (including the rent on shops).

Response: Noted, there the policy justification for the introduction of the LDO is robust and based upon credible evidence as set out within the statement of reasons. In relation to the monitoring indicators and permitted uses, it should be noted that the LDO will be subject to ongoing review and as such there is scope for the Council to intervene in the future if required.

Rental costs, job creation and investment priorities are not matters for the LDO, however it should be noted that the Town Centre Task Force provides the overarching mechanism for framing the wider package of support for the Town Centre. This could provide a forum for exploring those wider considerations such as rents and the need to facilitate sustainable economic development / job creation opportunities.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment. Feedback will be provided to the Town Centre Task Force in relation to wider considerations.

7 Carmarthenshire County Council – Environmental Protection

Summary: The respondent supports the proposed LDO. It is however considered that the inclusion of a condition is essential to minimise the likelihood of a nuisance (e.g. noise, light, dust, and odour) on a development within the LDO area. Previous experience and case law is cited demonstrating how mixed uses such as residential, retail and night time economy developments can have a negative impact on each other, especially when they are not considered at the planning stage. The respondent provides the suggested condition as follows:

Public Amenity

“Where required and requested; a detailed Risk Assessment (the scope of which must be agreed with the Homes and Safer Communities team (HSC)) should be submitted to, and approved by the HSC prior to the Local Planning Authority (LPA) issuing a commencement notice approval. The Risk Assessment should assess/predict the likely impact of the proposed development as a whole on the existing commercial and residential properties within the area and/or predict the likely impact of existing commercial and residential properties on the proposed development. Where necessary the risk assessment shall identify the required mitigation in the form of a Management Plan. The change of use shall thereafter be carried out in accordance with any approved Management Plan”

Reason: *“In the interests of protecting the amenity of people using the surrounding area.”*

Response: Support welcomed. In relation to the proposed condition, these comments seek to strengthen the emphasis on public amenity and reflect the fact that the implementation of the LDO is subject to a 2 stage process (Certificate of Conformity and Commencement Notice Approval). A change of use cannot commence until a Commencement Notice Approval is released and to attain such an approval a developer will need to satisfy any requirements made by Environmental Protection.

It is accepted that condition 9 as worded in the Draft LDO is unclear in that public amenity and licensing are grouped together. The issue of public amenity is a matter for the LDO / land use planning, however licensing is governed by a separate regime and as such it should be removed from this condition. It is noted that the powers contained in the Licensing Act 2003 relate to the four licensing objectives and does not include the protection of amenity.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: **Replace** condition 9 with the condition set out in the above representation. Reference is made to 8 and 13 below. No changes to Supporting evidence of Equalities Impact Assessment.

8 Carmarthenshire County Council – Environmental Protection

Summary: The respondent requests that the above condition (see 7 above) is ratified to ensure its compliance to the relevant tests applied to conditions. The respondent states that Section 6 of the Draft LDO (compliance) states that the Council will monitor changes of use within the Town Centre and, when appropriate, may take enforcement action. The respondent suggests removing the word ‘may’ as it should be assumed that no enforcement action would be taken if it was inappropriate to do so, stating that *“With the current wording, it sounds very unlikely that any enforcement action would be taken if a breach of non-compliance was witnessed and it sounds very unlikely that any enforcement action would be taken if a breach of non-compliance was witnessed”*

The respondent would also welcome further detailed information regarding the proposed LDO consultation process (for both the Certificate of Conformity and Commencement Notice Approval), including notification, recording of applications, consultation timescales etc. The respondent is also seeking clarity on who will be responsible for compliance in terms of monitoring and taking action.

Response: Comments noted. Discussions in relation to the compliance or otherwise of the conditions identified within the LDO have been undertaken to ensure that the Council is adherence to the necessary regulatory requirements.

It should be noted that the LDO is based on a notification process and there will not be consultation as would the case with a planning application. All applications for Certificates of Conformity and Commencement Notice Approvals will appear on the weekly planning list which is on the Council’s website, a link to which will be sent to the respondent. The LDO seeks to provide a positive means of information sharing whereby partners who may not normally be part of the planning application process have an opportunity to be aware of any proposal.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment. Reference is made to 8 above.

9 Cadw

Summary: The respondent states that this is a consultation to grant blanket planning permission for non-contentious, though not necessarily minor, forms of “development”/ changes in use within Llanelli Town Centre. As it is not applicable to listed buildings, the respondent cannot see any issues that require comment.

Response: Comments noted.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment.

10 Natural Resources Wales (NRW)

Summary: The respondent recommends that the Council should only adopt the LDO once issues identified in their representation regarding flood risk are addressed.

In relation to the supporting SFCA, the respondent summarises as follows:

- The SFCA has correctly identified the key flood risk to the site is from the River Lleidi but has used NRW flood risk data that is out of date to establish the magnitude of that risk;
- Blockage of hydraulic structures has not been reported;
- Flood risk mitigation is proposed in the form of management of vulnerability groups that are appropriate for the flood risk identified. This would be an acceptable form of mitigation but the data being used is out of date and may therefore be inaccurate.

In relation to protected species, the respondent is in agreement that the LDO is unlikely to have a significant effect alone or in combination on the Carmarthen Bay and Estuaries marine site. In relation to drainage, the respondent supports the inclusion of two proposed pre-commencement conditions in relation to the public sewerage system (as proposed in the supporting evidence). The respondent asks that the Council is mindful that the River Lleidi culvert runs under part of the LDO Area and would encourage any opportunity for betterment by removing surface water from the foul main sewer.

Response: Comments noted. A copy of NRW's full representation has been sent to the Council's flood risk consultants who have been asked to address the matters raised. It is however noted that NRW's comments in this regard relate to the content of the supporting evidence (SFCA) and not the LDO itself. The flood risk consultants been tasked with securing confirmation from NRW that the revisions to the SFCA meets their approval.

In relation to betterment, it should be noted that the Memorandum of Understanding (MoU) does not apply to the LDO and this is referenced within the supporting evidence. However any opportunities to secure improvements may be explored on a case by case basis. In relation to the two proposed pre-commencement conditions in relation to the public sewerage system, reference is made to 12 below.

Any implications on supporting evidence: Update the SFCA as required.

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO or Equalities Impact Assessment. Confirmation to be **secured** from NRW in relation to their concerns relating to the content of the supporting evidence (SFCA) prior to the adoption of the LDO.

11 The Coal Authority

Summary: The respondent has reviewed the document and can confirm the Coal Authority has no specific comments to make on the LDO as proposed.

Response: Comments noted.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment.

12 Dwr Cymru Welsh Water (DCWW)

Summary: The respondent supports the proposed LDO identifying that the Order's lifetime the ongoing review process allows for appropriate flexibility. In relation to conditions, the respondent requests the inclusion of 2 additional conditions as follows:

“Drainage Strategy

No change of use shall commence where it will result in the hydraulic overload of the public sewerage system. Where required and requested; a drainage strategy should be submitted to, and approved by, Dwr Cymru Welsh Water.”

Reason: *“To enable the implementation of the LDO drainage strategy”*

“Assessment of Assets

No change of use shall commence where it will result in the compromising of the integrity of any public sewer and/or water main assets within and/or adjacent to the site. Where required and requested; an assessment should be submitted to, and approved by, Dwr Cymru Welsh Water which clarifies any impact and where necessary any mitigation.”

Reason: *“To support the implementation of the LDO Drainage Strategy”*

Response: Support welcomed. The representations seeks to introduce 2 additional conditions into the LDO in order to implement and support the LDO drainage strategy which is reflective of the recommendations made within the supporting evidence (infrastructure study). These comments reflect the fact that the LDO is subject to a 2 stage process (Certificate of Conformity and Commencement Notice Approval). In this respect a change of use cannot commence until a Commencement Notice Approval is released and to attain such an approval a developer will need to satisfy any requirements made by DCWW.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: **Insert 2 new conditions** (to be numbered 13 and 14 respectively) as set out above into the LDO. No change to supporting evidence or Equalities Impact Assessment. Reference is also made to 10 above.

13 Carmarthenshire County Council – Licensing

Summary: The respondent supports the proposed LDO. They respondent notes that the draft LDO indicates that proposals requiring a licence must obtain the necessary authorisation prior to commencement. The respondent advises that an effective consultation mechanism must

be implemented with the licensing section as well as other regulatory regimes is undertaken prior to the granting of each Commencement Notice Approval. Clear signposting of applicants to licensing information as part of the initial information provided would allow individuals to consider any licensing requirements at an early stage in the process. For developers of residential and other non-licensed premises it will enable them to obtain information regarding the proximity of licensed premises forming part of the night time economy within the area.

Response: Support welcomed. These comments reflect the fact that the LDO is subject to a 2 stage process (Certificate of Conformity and Commencement Notice Approval). A change of use cannot commence until a Commencement Notice Approval is released and to attain such an approval a developer will need to satisfy any requirements made by Licensing. It should be noted that the LDO is based on a notification process. The importance of effective sign posting is noted and will be implemented, whilst the below proposed condition provides contact details (as will be done with the building regulations condition).

“Licensable Activity

Non planning related requirements must be satisfied prior to commencement of change of use. Reference is made to Condition 1 of this LDO and the requirement to attain Commencement Notice Approval from the Council. The contractor/developer will need to ensure that Licensing approval is sought prior to any works commencing on site. Contact Tel: 01267 234567, email publicprotection@carmarthenshire.gov.uk

Reason: To ensure compliance with legislative provisions”.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: Replace condition 7 as set out in the draft LDO with above condition. No change to supporting evidence or Equalities Impact Assessment. Reference is also made to 7 above and the Council’s further proposed changes set out at the end of this report.

14 Carmarthenshire County Council – Licensing

Summary: The respondent notes that the LDO is likely to stimulate a number of development proposals and queries as to whether there will be a mechanism, such as a public register, to enable individuals to view details of other applications as well as approvals made under the LDO prior to submitting an application. The respondent endorses the representation submitted by the Council’s Environmental Protection Team and clarifies the powers contained in the Licensing Act 2003 relating to the four licensing objectives.

Response: Comments noted. It should be noted that the LDO is based on a notification process and there will not be consultation as would the case with a planning application. All applications for Certificates of Conformity and Commencement Notice Approvals will appear on the weekly planning list which is on the Council’s website, a link to which will be sent to the respondent. The LDO seeks to provide a positive means of information sharing whereby partners who may not normally be part of the planning application process have an opportunity to be aware of any proposal. In relation to the representation submitted by the by the Council’s Environmental protection Team, reference is made to 7 above.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

Recommendation: No change to LDO, supporting evidence or Equalities Impact Assessment.

Further proposed changes

The following proposed changes reflect the ongoing and iterative approach to the development of the LDO and are intended to aid in the clarity and implementation of the Order.

(1) Condition 9 as worded in the draft LDO is not required and should be **deleted**. The condition as worded in the draft LDO stated that internal floor plans should be submitted with a view to confirming a proposal meets the minimum standard. It is proposed given that there are no minimum standard in place and as such the requirement to submit internal floor plans is obsolete. Reference is made to 13 above.

Any implications on supporting evidence: None

Any implications on the Equalities Impact Assessment: None

(2) Include National grid (plant protection) on the notification list alongside Western Power as set out in the Annex – Statement of Reasons.

(3) Include the Council's Highways Planning Liaison Officer to the Annex – Statement of Reasons.